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HOUSE BILL 60

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

William "Bill" R. Rehm

AN ACT

RELATING TO CRIMINAL SENTENCING; REQUIRING AN ENHANCED SENTENCE FOR POSSESSION OF FENTANYL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Criminal Sentencing Act is enacted to read:

"[NEW MATERIAL] POSSESSION OF FENTANYL--ENHANCED SENTENCE.--When a separate finding of fact by the court or a jury shows that fentanyl was possessed pursuant to Subsection A of Section 30-31-23 NMSA 1978, the basic sentence of imprisonment prescribed for the offense in Section 31-18-15 NMSA 1978 shall be enhanced when the fentanyl possessed is:

A. between twenty-five and forty-nine pills or in any form equaling fifty to ninety milligrams of fentanyl, the sentence imposed shall be increased by three years;

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B. between fifty and seventy-four pills or in any form equaling one hundred to one hundred forty-nine milligrams of fentanyl, the sentence imposed shall be increased by five years; and

C. exceeding seventy-five pills or in any form exceeding one hundred fifty milligrams of fentanyl, the sentence imposed shall be increased by seven years."